

CITY COUNCIL
CITY OF WICHITA
KANSAS

City Council Meeting
9:00 A.M., February 8, 2005

City Council Chambers
455 North Main

ORDER OF BUSINESS

- Call to Order
 - Invocation
 - Pledge of Allegiance
 - Approve the minutes of the February 1, 2005 meeting
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AWARDS AND PROCLAMATIONS

- Proclamations
 - HUD Door-Knocker Award.
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PUBLIC AGENDA

1. King David Davis-What Goes Around Comes Around.
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CONSENT AGENDA

2. Report of the Board of Bids and Contracts Dated February 7, 2005.

RECOMMENDED ACTION: Receive and file report; approve Contracts;
authorize necessary signatures.

3. Application for License for Adult Entertainment Establishments/Services:

Renewal

2005

Robert Floyd

Priscilla's

6413 West Kellogg

RECOMMENDED ACTION: Approve licenses subject to Staff review
and approval.

4. Applications for Licenses to Retail Cereal Malt Beverages:

<u>Renewal</u>	<u>2005</u>	<u>(Consumption on Premises)</u>
Mana E. Remero	Angela's Café*	901 East Central
<u>New Operator</u>	<u>2005</u>	<u>(Consumption off Premises)</u>
Raisa Mirza	Rani Sm Inc.	731 North Ridge Road
<u>New Operator</u>	<u>2005</u>	<u>(Consumption on Premises)</u>
Mike Hayes	The Chug	5111 West 13 th Street

*General/Restaurant - 50% or more of gross receipts derived from sale of food.

RECOMMENDED ACTION: Approve licenses subject to Staff review and approval.

5. Preliminary Estimates:

- a) 2005 sanitary sewer rehabilitation, Phase A - between 21st Street North & Pawnee, and between Maize & Woodlawn. (468-83943/620425/665545) Traffic to be maintained during construction using flagpersons and barricades. (Districts I, II, III, IV, V, VI) - \$270,000
- b) Kessler Street from the north line of Kellogg Drive to the south line of Taft to serve Eureka Gardens of Maple, east of West Street. (472-84041/765891/490004) Traffic to be maintained during construction using flagpersons and barricades. (District IV) - \$159,840
- c) Traffic signals at 13th & Gateway Center, east of Greenwich. (472-83095/765850/490961) Traffic to be maintained during construction using flagpersons and barricades. (District II) - \$110,000
- d) Lateral 14, Main 6, Sanitary Sewer #23 to serve Woodlawn North Pointe Addition - south of 29th Street North, east of Woodlawn. (468-83901/744093/480781) Does not affect existing traffic. (District I) - \$91,000
- e) Water distribution system to serve Woodlawn North Pointe Addition - south of 29th Street North, east of Woodlawn. (448-90012/735222/470892) Does not affect existing traffic. (District I) - \$46,000
- f) Glenwood Court serving Lots 24 thru 33, Block 1 from the west line of Glenwood to and including the cul-de-sac; Reed's Cove from the east line of Reed's Cove Court to the west line of Glenwood; Sidewalk on both sides of Reed's Cove from the east line of Reed's Cove Court to the west line of Glenwood to serve Reed's Cove Addition - south of 21st Street North, east of 127th Street East. (472-83857 /765918 /490031) Does not affect existing traffic. (District II) - \$166,000
- g) Lark from the east line of the plat south to the north line of Hadden; Lark from the south line of Hadden south to the south line of the plat; Hadden from the east line of Lark east to the east line of the plat; Fieldcrest Street from the west line of Lark west to the west line of Lot 21, Block A; Atlanta Circle from the west line of Lark west to and including the cul-de-ac; Hadden Circle from the west line of Hadden west to and including the cul-de-sac; Sidewalk on Lark, Fieldcrest Street, and Hadden to serve Southern Ridge Second Addition - south of Pawnee, west of Maize. (472-84097/765917/490030) Does not affect existing traffic. (District IV) - \$353,000

(Item No. 5 continued)

- h) 2005 contract maintenance area concrete Street Repairs, Phase 1 - north of Pawnee, east of Seneca. (472-84147/132718/) Traffic to be maintained during construction using flagpersons and barricades. (Districts I, II, III) - \$260,050
- i) Hoover, from the south line of Elm to the north line of 9th Street North to serve Avery Barnett's and Patterson Gardens Additions – Hoover, north of Central. (472-83908/765845/490956) Traffic to be maintained during construction using flagpersons and barricades. (District VI) - \$396,480
- j) Storm water Sewer #594 to serve Reed's Cove Addition – south of 21st Street North, east of 127th Street East. (468-83712/751387/485278) Does not affect existing traffic. (District II) - \$82,000

RECOMMENDED ACTION: Approve and file.

6. Amended Statements of Cost:

- a) Improving Storm Water Drain No. 190, Part 1 to serve Hawthorne Addition (north of 21st Street North, east of 127th Street East). Total Cost - \$167,031.93 (plus idle fund interest - \$900.70, plus temporary note interest -\$3,138.37). Financing to be issued at this time - \$171,071.00. (751321/468-83516/485-212).
- b) Improving Storm Water Drain No. 190, Part 2 to serve Hawthorne Addition (north of 21st Street North, east of 127th Street East). Total Cost - \$476,803.73 (plus idle fund interest - \$2,577.02, plus temporary note interest -\$8,932.25). Financing to be issued at this time - \$488,313.00. (751380/468-83869/485-271).
- c) Improving Storm Water Drain No. 191, Part 1 to serve Hawthorne Addition (north of 21st Street North, east of 127th Street East). Total Cost - \$96,011.55 (plus idle fund interest - \$401.80, plus temporary note interest -\$1,113.65). Financing to be issued at this time - \$97,527.00. (751360/468-83517/485-251).
- d) Improving Storm Water Drain No. 191, Part 2 to serve Hawthorne Addition (north of 21st Street North, east of 127th Street East). Total Cost - \$52,049.31 (plus idle fund interest - \$220.04, plus temporary note interest -\$599.65). Financing to be issued at this time - \$52,869.00. (751381/468-83868/485-272).

RECOMMENDED ACTION: Approve and file.

7. Deeds and Easements:

- a) Public Utility Easement dated December 18, 2004 from The Crew, a Kansas General Partnership, located over a portion of Lot 31 and Lot 32, Block 1, Shady Ridge Addition, an addition to Wichita, Sedgwick County, Kansas (OCA #607861) No cost to City.
- b) Drainage and Utility Easement dated January 24, 2005 from 13th Avenue Partners, L.L.C., located over a portion of Lot 12, Block 1, The Gateway Center Addition, an addition to Wichita, Sedgwick County, Kansas (OCA #607853) No Cost to City.

RECOMMENDED ACTION: Accept documents.

8. Petition to construct a Sanitary Sewer to serve Lots 6 and 7, Block C, Prospect Park Addition, north of MacArthur, east of Ridge. (District IV)

RECOMMENDED ACTION: Approve Petition; adopt Resolution.

9. Report on Claims Allowed - 2005:

<u>Name of Claimant</u>	<u>Amount</u>
Harris, Greg	\$81.52**
Independent Living Resource Center	\$220.19
Moore, Charles Steven	\$25.00
Posey, John Gene	\$1,690.19**
Spurgeon, Darold	\$312.19

**Settled for lesser amount than claimed.

RECOMMENDED ACTION: Receive and file.

10. Agreements/Contracts:

- a) Funding for public transportation.
- b) Renewal of lease with Child Care Association with Wichita. (District III)

RECOMMENDED ACTION: Approve Agreements/Contracts; authorize necessary signatures.

11. Property Acquisition:

- a) A portion of the northeast corner of Kellogg and Zelta for the East Kellogg Improvement Project. (District II)
- b) Part of 4944 & 4950 East Central for Central: Oliver to Woodlawn. (District I and II)
- c) Part of 5108 East Central for Central: Oliver to Woodlawn. (District I and II)

RECOMMENDED ACTION: Approve budgets and Contracts; authorize necessary signatures.

12. Contracts & Agreements, Professional Contracts under \$25,000 and Annual Maintenance Contracts over \$25,000.

RECOMMENDED ACTION: Receive and file report.

13. Expenses for Senior Management.

RECOMMENDED ACTION: Receive and file.

14. Proposed Assessment Rolls.

Proposed Assessment Rolls have been prepared for twenty-five (25) water projects twenty (20) sewer projects and ***Seventeen (17)*** storm sewer projects and it is necessary to set a public hearing date. Informal hearing with City personnel will be held February 28, 2005 at 11:00 a.m.

RECOMMENDED ACTION: Set the hearing on the Proposed Assessment Rolls for 9:30 a.m., Tuesday, March 8, 2005, and direct the City Clerk to publish the notices of hearing at least once not less than 10 days prior to the date of the hearing.

15. Procurement of Bus Shelters and Benches.

RECOMMENDED ACTION: Approve the selection of Duo-Guard Industries, Inc. for 35 bus shelters and LNI Custom Manufacturing for 255 bus benches

16. Emergency Repair Program Modifications.

RECOMMENDED ACTION: Approve all proposed program changes to the Emergency Repair Program.

17. Deferred Loan Home Repair Program Modifications.

RECOMMENDED ACTION: Approve all proposed program changes to the Deferred Loan Home Repair Program.

18. HOMEownership 80 Program Modifications.

RECOMMENDED ACTION: Approve all proposed program changes to The HOMEownership 80 Program.

19. Redemption of Airport Facilities Revenue Bonds, Cessna Aircraft Company. (District IV)

RECOMMENDED ACTION: Adopt the Resolution approving the Termination and Release of Sublease, Termination and Release of Sublease, Cancellation, Discharge and Release of Indenture, and termination of all existing financing statements, waive the 45-day notice provision and authorize the Mayor to sign.

20. Second Reading Ordinances: (First read February 1, 2005)

- a) Acquisition by eminent domain of tracts required for Hillside improvement: Kellogg to Central. (District II)

An Ordinance providing for the acquisition by eminent domain of certain private property, easements and right-of-way therein, for the purpose of acquiring real property for the construction and improvement of Hillside Avenue from Kellogg Avenue to Central Avenue in the City of Wichita, Sedgwick County, Kansas; designating the lands required for such purposes and directing the city attorney to file a petition in the District Court of Sedgwick County, Kansas, for acquisition of the lands and easements therein taken and providing for payment of the cost thereof.

- b) ZON2004-00060 - generally located north of Central, between Terrace and Pershing. (District I)

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210. (ZON2004-00060)

- c) Fees for new applications and proceedings pertaining to signs.

An Ordinance establishing Section 2.26.040 of the Code of the City of Wichita, Kansas, pertaining to fees and charges for planning applications and proceedings for sign code adjustments and special review approval for off-site billboard sign permits.

RECOMMENDED ACTION: Adopt Ordinances.

UNFINISHED BUSINESS

21 Funding Support for the Arts.
(Deferred December 21, 2004)

RECOMMENDED ACTION: Approve the arts funding process; adopt a funding option and determine the composition and appointment process of the review Committee.

NEW BUSINESS

22. Public Hearing and Issuance of Industrial Revenue Bonds, American Baptist Estates. (District IV)

On December 21, 2004, City Council approved a Letter of Intent to issue Industrial Revenue Bonds for American Baptist Estates in the amount of \$1,325,000. American Baptist Estates is requesting the issuance of IRBs at this time, in the amount of \$1,225,000.

RECOMMENDED ACTION: Close the public hearing; place the Bond Ordinance on first reading and approve the Bond Ordinance authorizing the execution and delivery of documents for the issuance of Industrial Revenue Bonds in an amount of \$1,225,000 and authorize the necessary signatures.

23. Public Hearing and Request for Letter of Intent for Industrial Revenue Bonds, Delta Data Systems, Inc. (District II)

Delta Data Systems, Inc. is requesting the issuance of a one-year letter of intent for Industrial Revenue Bonds ("IRBs") in an amount not to exceed \$9,000,000. Delta Data Systems will sublease the project to Delta Dental Plan of Kansas, Inc. ("Delta Dental").

RECOMMENDED ACTION: Close the public hearing and approve a Letter of Intent to Delta Data Systems, Inc. for Industrial Revenue Bonds in an amount not-to-exceed \$9,000,000, subject to the Letter of Intent conditions, for a term of one-year; approve a 90% tax abatement on all bond-financed property except land for an initial five-year period plus an additional five years following City Council review and authorize the application for a sales tax exemption on bond-financed property.

24. Request for Letter of Intent for Industrial Revenue Bonds, Prairie Villa at Beacon Hill, L.C. (District I)

Prairie Villa at Beacon Hill, L.C. ("Prairie Villa") is requesting City Council approval of a one-year Letter of Intent for the issuance of Industrial Revenue Bonds in an amount of \$4,700,00.

RECOMMENDED ACTION: Approve the Letter of Intent to Prairie Villa at Beacon Hill, L.C. for Industrial Revenue Bonds in an amount of \$4,700,000, subject to the Letter of Intent Conditions, for a one-year term and authorize the application for a sales tax exemption on bond-financed purchases.

25. Clean Drinking Water Fee - Exercise the Option to Pay.

In 2001, the Water Utility chose to opt out of paying the Clean Drinking Water Fee, which is a payment water utilities may choose to make in lieu of paying sales tax on non-exempt purchases.

RECOMMENDED ACTION: Approve the application of the Water Utility to opt in to pay the Clean Drinking Water Fee effective April 1, 2005.

26. Improvement to the intersection of Harry and Longford. (District II)

The 2004-2013 Capital Improvement Program adopted by the City Council includes a project to improve the intersection of Harry and Longford. District II Advisory Board sponsored a July 12, 2004 neighborhood hearing on the project. The Board voted 7 to 0 to recommend approval of the project.

RECOMMENDED ACTION: Approve the project; place the Ordinance on first reading and authorize the signing of State/Federal agreements as required.

27. Improvement to the intersection of Tyler and Yosemite. (District IV)

The 2004-2013 Capital Improvement Program adopted by the City Council includes a project to improve the intersection of Tyler at Yosemite. District IV Advisory Board sponsored a December 1, 2004, neighborhood hearing on the project. The Board voted 9 to 0 to recommend approval of the project.

RECOMMENDED ACTION: Approve the project; place the Ordinance on first reading and authorize the signing of State/Federal Agreements as required.

28. Ordinance Amendments pertaining to Amusement Park and Rides.

The City Council conducted two workshops regarding the regulation of amusement park rides and directed the City Attorney to prepare an ordinance to address safety and licensing concerns.

RECOMMENDED ACTION: Place the ordinance on first reading.

29. Wireless Network Site Survey and Initial System Design.

In December 2002, the City, Sedgwick County and KDOT entered into a project to study the feasibility of AVL and to consider how to supply wireless data connectivity. From this initial study a Request for Proposal (RFP) was created to build a wireless network for the City of Wichita.

RECOMMENDED ACTION: Approve the selection of CSC to perform a site survey and initial system design; **authorize the application for grant amendment**, approve the transfer of funds and authorize the necessary signatures.

29a. 2005 Wichita Aviation Festival.

Request for Proposals were submitted for the 2005 Aviation Festival. Staff recommendation is to reject the proposals due to the change in Scope of Services needed to facilitate the 2005 Aviation Festival. City Council directed staff to work with WFI to produce, market and manage the 2005 Aviation Festival.

RECOMMENDED ACTION: Approve the contract to employ WFI to provide the professional services to accomplish this task and authorize the Mayor to sign.

PLANNING AGENDA

NOTICE: Public hearing on planning items is conducted by the MAPC under provisions of State law. Adopted policy is that additional hearing on zoning applications will not be conducted by the City Council unless a statement alleging (1) unfair hearing before the MAPC, or (2) alleging new facts or evidence has been filed with the City Clerk by 5p.m. on the Wednesday preceding this meeting. The Council will determine from the written statement whether to return the matter to the MAPC for rehearing.

* Consent Items

30. *VAC2004-45-Request to Vacate Platted Setbacks and Contingent Dedication of Street Right-of-Way located on the southwest corner of the Central Avenue and Waco Street intersection. (District VI)

RECOMMENDED ACTION: Approve the Vacation Order and authorize the necessary signatures.

31. *VAC2004-61-Request to Vacate a Portion of Platted Street Right-of-Way and Platted Setbacks, Generally located midway between 159th Street East and 143rd Street East, and north of 13th Street North, more specifically located south of the Sport of the Kings Road - Sport of Kings Court intersection, all on Sport of Kings Court. (City of Wichita three-mile ring subdivision jurisdiction-Sedgwick County)

RECOMMENDED ACTION: Approve the Vacation Order and authorize the necessary signatures.

32. *VAC2004-63-Request to Vacate a portion of Multiple Platted Utility Easements and Reserves generally located north of 29th Street North and east of 119th Street West. (District V)

RECOMMENDED ACTION: Approve the Vacation Order and authorize the necessary signatures.

33. *ZON2004-62-Zone change from Single-family Residential to Limited Industrial. Generally located at the northeast corner of Harry and Seville. (District IV)

RECOMMENDED ACTION: Adopt the findings of the MAPC and approve the zone change subject to platting within one year; instruct the Planning Department to forward the ordinance for first reading when the plat has been recorded with the Register of Deeds. OR
Return the application to the MAPC for reconsideration.

HOUSING AGENDA

NOTICE: The City Council is meeting as the governing body of the Housing Authority for consideration and action on items on this Agenda, pursuant to State law, HUD, and City ordinance. The meeting of the Authority is deemed called to order at the start of this Agenda and adjourned at the conclusion.

*Consent items

Inafay Grays-McClellan, Housing Member is also seated with the City Council.

34. Section 8 Administrative Plan Revisions.

RECOMMENDED ACTION: Review and approve the revisions to the Section 8 Administrative Plan for the Section 8 Housing Choice Vendor Program.

35. Section 8 Management Assessment Program (SEMAP).

RECOMMENDED ACTION: Approve the Certification relative to the submission of the 2004 Section 8 Management Assessment Program (SEMAP).

36. 2004 Public Housing Assessment System.

RECOMMENDED ACTION: Review and approve the submission of the 2004 Public Housing Assessment System Certification for Management Indicators to the Department of HUD; adopt the resolution and provide the necessary signatures.

37. Admissions & Continued Occupancy Policy (ACOP).

RECOMMENDED ACTION: Review and approve the Admissions and Continued Occupancy Policy revision for the administration of the Public Housing Program.

CITY COUNCIL

38. Board Appointments.

RECOMMENDED ACTION: Make the appointments.

Adjournment

Workshop to follow